

Application No.: 10/543,026
Amendment Dated April 15, 2009
Response to Office Action of January 15, 2009

REMARKS/ARGUMENTS

Applicant thanks the Examiner for courtesies extended during the telephonic interviews that took place on April 6, 2009. During the interview, amendments to Claim 24 were discussed in light of the cited art. In particular, the Examiner indicated that Applicant's proposed amendment to recite that the passageway extends "along an axis between a first opening and a second opening" and that "the peripheral region of the head is located opposite the first opening with respect to the second opening" would distinguish Claim 24 over the cited art. Therefore, this paper includes the amendments to Claim 24 discussed with the Examiner, as explained in greater detail below.

Claims 1–12, 14, and 24–29 are pending in the application. The Office Action rejected Claims 1–5, 9–12, 14, and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,756,146 to Rouse ("Rouse"). The Office Action also rejected Claims 1–11 and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,048,278 to Jones et al. ("Jones '278"). Furthermore, the Office Action rejected Claims 6–8, 12, 14, and 24 under 35 U.S.C. § 102(b) as being unpatentable over Rouse in view of Jones. In addition, Claims 25–29 were subject to a Restriction Requirement and withdrawn by the Examiner.

In view of the Amendments and Remarks set forth herein, Applicant respectfully submits that the application is in condition for allowance.

Restriction Requirement

The Examiner has required restriction between Group I, namely Claim 12; Group II, namely Claim 25; Group III, namely Claim 26; Group IV, namely Claim 27; and Group V, namely Claims 28–29. The Office Action indicates that Claim 12 is constructively elected by original presentation for prosecution on the merits, and as a result Claims 25–29 were withdrawn by the Examiner as directed to a non-elected invention.

Applicant respectfully submits that the restriction requirement with regard to Claims 25–29 is improper and requests that the restriction presented be withdrawn. Each of these claims is drawn to embodiments of a cutting head for a brush cutter or edge trimmer including a passageway for a cutting string. In Claim 25, the recessed profile of the curved bearing zone has

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a V-shaped profile. Independent Claim 26 recites, *inter alia*, a cutting head in which the string outlet region is spaced farther inwardly from the peripheral region than is the opening. Claim 27 depends from Claim 1 and recites, *inter alia*, that the axis of the passageway is inclined relative to a direction perpendicular to the peripheral region of the head. Independent Claim 28 recites, *inter alia*, a cutting head in which the string passageway presents a recessed profile identical to the profile of the curved bearing zone. Claim 29 depends from Claim 28 and recites, *inter alia*, that the height of the curved bearing zone is equal to the height of the string passageway.

The Examiner asserts that the restriction requirement is proper because Groups I–V are related as subcombinations disclosed as usable together in a single combination. Office Action, page 3. MPEP § 806.05(d), however, which is cited by the Examiner, applies only to situations where “applicant separately claims plural subcombinations usable together in a single combination and claims a combination that requires the particulars of at least one of said subcombinations.” In the case of the present application (prior to the amendments presented herein), Claims 25–29 recite a cutting head that have similar characteristics to the cutting head of Claim 12, but also include more specific recitations regarding the passageway of the cutting head and the configuration of the curved bearing zone. In other words, this is not a situation where two subcombinations and a combination are claimed, as asserted by the Examiner. Therefore, MPEP § 806.05(d) does not apply, and the restriction requirement is improper.

Notwithstanding the impropriety of the restriction requirement, Applicant hereby elects Group I with traverse and chooses to continue prosecution of Claim 24. Furthermore, Applicant amends Claims 25–29 to each depend from Claim 24. By amending Claims 25–29, Applicant in no way admits or agrees to any corresponding requirement for restriction; rather, the identified claims are being amended for the purpose of expediting prosecution and allowance of this application. Furthermore, Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

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Amendments to the Claims

Applicant has canceled Claims 1–23, as indicated in the listing of claims above. Furthermore, Applicant has amended Claims 25–29 to depend from independent Claim 24 (in the event that the Restriction Requirement is not withdrawn) and has added new Claim 30 also depending from independent Claim 24.

Claim 24 has been amended to incorporate the recitations discussed with the Examiner on April 6, 2009, as allowable over the cited art. In particular, Claim 24 now recites that a cutting head for a brush cutter or edge trimmer that includes a passageway for a cutting string having a non-circular cross-section, “the passageway extending along an axis between a first opening and a second opening, and at least one curved bearing zone extending between the second opening of said passageway and a peripheral region of the head.” The peripheral region of the head is “located opposite the first opening with respect to the second opening along the axis defined by the passageway.” Furthermore, a surface of the curved bearing zone presents a recessed profile which is suited to the cross-section of the cutting string, in order to retain the cutting string in the recessed profile in its optimal cutting orientation when the string flexes in a direction opposite to the rotation of the head to rest against the curved bearing zone. Support for these amendments can be found in Figure 4 and page 6, lines 20–28 of the present application.

New Claim 30 depends from independent Claim 24 and recites that the second opening presents a substantially square cross-section oriented obliquely. Also, the recessed profile of the curved bearing zone is identical to the profile of the second opening. Support for Claim 30 can be found in Figures 1–3 and at page 9, lines 15–23 of the present application.

Rejections under 35 U.S.C. § 102(b)

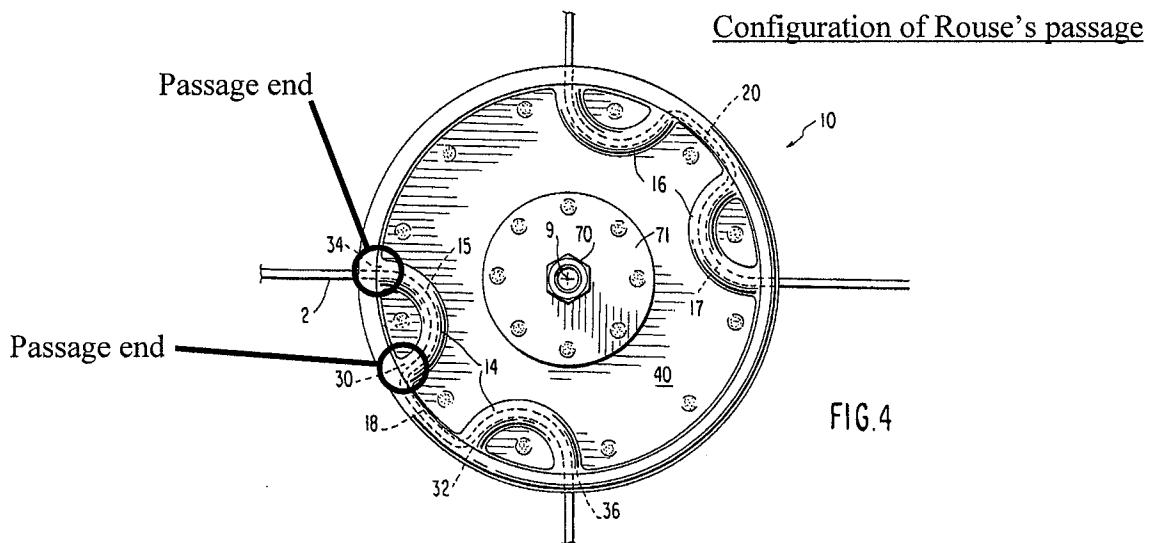
The Office Action rejected Claims 1–5, 9–12, 14, and 24 under 35 U.S.C. § 102(b) as being anticipated by Rouse, and Claims 1–11 and 24 as being anticipated by Jones. Applicant respectfully submits that the rejection of these claims is traversed in light of the amendments described above for the reasons given below.

As described above, independent Claim 24 is directed to a cutting head including a passageway that extends along an axis between a first opening and a second opening, and at least

one curved bearing zone extends between the second opening of the passageway and a peripheral region of the head. Claim 24 further recites that the peripheral region of the head is “located opposite the first opening with respect to the second opening along the axis defined by the passageway.”

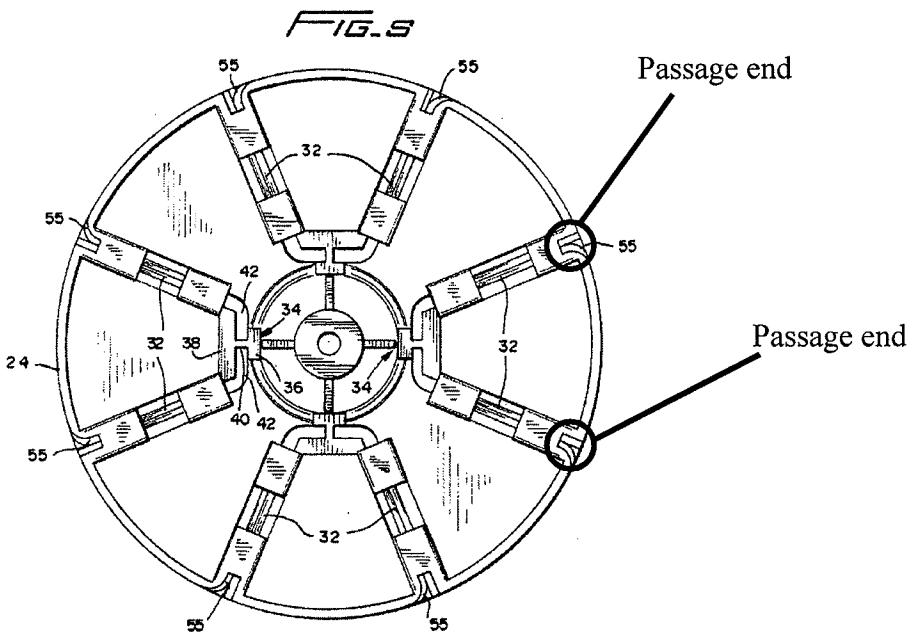
Unlike Claim 24, the passages illustrated and described in the Rouse patent do not extend along an axis, but rather extend along multiple axes (arguably, an infinite number of axes) as each passage has a “U” shape when viewed from the top. *See* Rouse, Figure 4; column 3, lines 65–68. The passage ends 30 and 34 of Rouse thus are not located opposite each other along the axis defined by the passage because (1) the passage of Rouse does not define a single axis, and (2) the passage ends 30 and 34 are located near each other on the same side of the cutting head, rather than on opposite sides of the cutting head. For the Examiner’s easy reference, Figure 4 (reproduced below) shows how one passage end 30 is not located opposite the other passage end 34, as in the present application, but rather is located proximate the passage end 34.

Therefore, Rouse does not disclose a passageway extending along an axis between a first opening and a second opening, and at least one curved bearing zone extending between the second opening of said passageway and a peripheral region of the head, wherein the peripheral region of the head is located opposite the first opening with respect to the second opening along the axis defined by the passageway.



Similarly, the passageways illustrated and described in the Jones patent do not extend along an axis, but rather extend along multiple axes. In this regard, each passageway 12 in Jones has an angular "U" shape when viewed from the top. See Jones, Figure 5; column 3, lines 31–45. Thus, as in Rouse, the projection of each passageway 12 through the rim 6 of Jones is not located opposite the projection at the other end of the passageway 12, but is rather located near the other end, on the same side of the cutting head. For the Examiner's easy reference, Figure 5 of Jones (reproduced below) shows the configuration of the passageways of Jones. In comparison, the passageway described by the present application is illustrated in Fig. 4, which is also reproduced below.

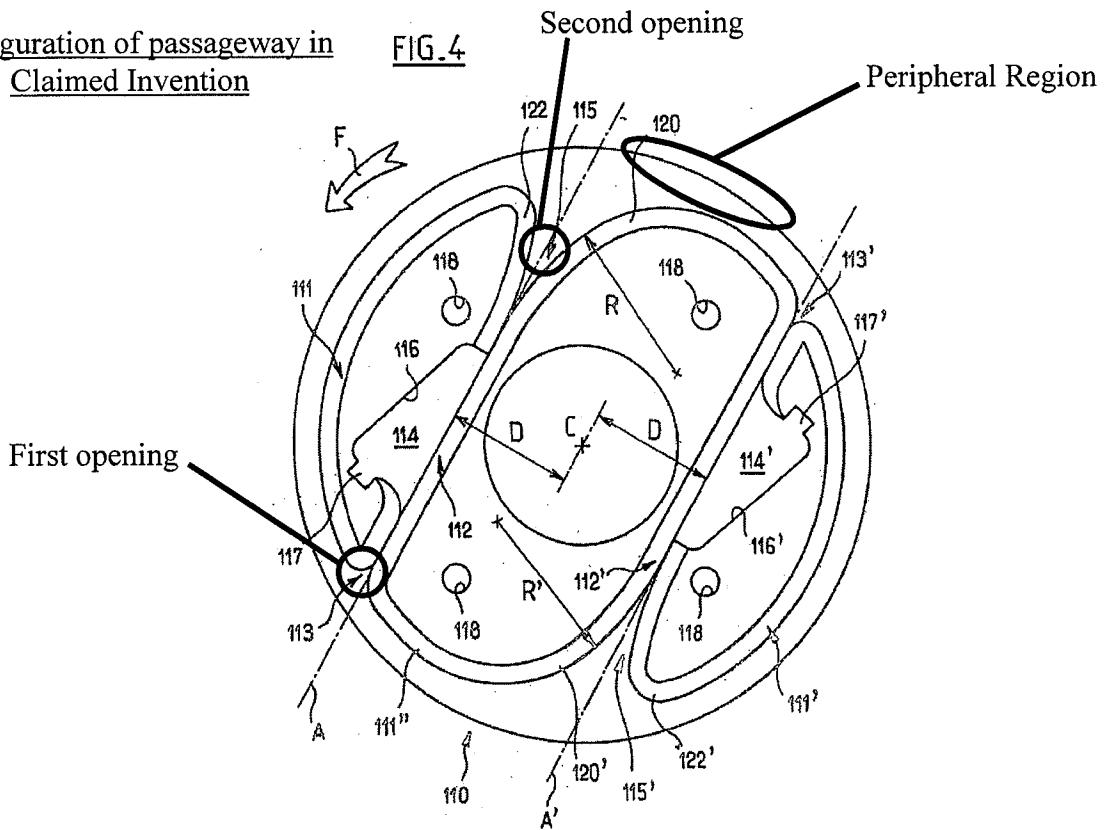
Configuration of Jones' passageway



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Configuration of passageway in
Claimed Invention

FIG. 4



Claim 24 is thus not anticipated by Rouse or Jones. Claims 25–29 and 30 depend from independent Claim 24. Therefore, for at least the reasons described above, the rejection of Claims 24 is respectfully traversed, and Claims 25–30 are also patentable.

Rejections under 35 U.S.C. § 103(a)

The Office Action also rejected Claims 6–8, 12, 14, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Rouse in view of Jones. Applicant respectfully submits that the rejection of these claims is traversed in light of the amendments described above for the reasons given below.

As already discussed above, neither Rouse nor Jones, when taken alone or in combination, teaches or suggests a cutting head for a brush cutter or edge trimmer that includes a passageway for a cutting string having a non-circular cross-section, “the passageway extending along an axis between a first opening and a second opening, and at least one curved bearing zone extending between the second opening of said passageway and a peripheral region of the head.” Neither do

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the references teach or suggest that the peripheral region of the head is “located opposite the first opening with respect to the second opening along the axis defined by the passageway,” as recited in Claim 24. Thus, for at least these reasons, the rejection of Claims 24 is respectfully traversed, and Claim 25–30 are also patentable.

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CONCLUSION

In view of the remarks presented above, it is respectfully submitted that independent Claim 24 and all the claims depending therefrom (*i.e.*, Claims 25–30) are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above, and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to specific dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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